

**Shelby County Code of Ordinances**  
**Chapter 12.5. Ethics**

**Article II. Code of Ethics**

**Sec. 12.5-51. Definitions.**

For purposes of this article , the following words, terms and phrases, when used in this article , shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(a) *County* means Shelby County, including all boards, committees, commissions, authorities, corporations or other instrumentalities appointed or created by the county or an official of the county, and specifically including the county election commission.

(b) *De minimis* means lacking significance or importance; so minor as to merit disregard.

(c) *Official, employee, and appointee* means and includes any official, whether an elected or appointed officer or employee of the county, and any member of a county board, commission, agency, or authority appointed by the county mayor and/or county commission, and the county employees of said boards, commissions, agencies, and authorities. This definition includes an official, employee, or appointee, whether compensated or not, and/or whether full-time or part-time.

(d) *Personal interest* means, for the purpose of disclosure of personal interests in accordance with this code of ethics, any non-de minimis direct financial interest of the official, employee, or appointee, or of the official's, employee's, or appointee's spouse or child living in the same household, or such persons in negotiations with a prohibited source, in the matter to be voted upon, regulated, supervised, or otherwise acted upon in an official capacity.

(e) *Prohibited source* means any person, business, entity or other organization that is seeking official action, decisions or performance or nonperformance of an official, employee, or appointee of the county. Nothing in this code of ethics prohibits an official, employee, or appointee from conducting such county business with, or voting or approving a matter involving, a lending institution whose lending activity is regulated by the state or federal government, solely because that official, employee, or appointee conducts private business with the institution upon the same terms as those granted to the public generally and not otherwise in violation of this article .

(Ord. No. 330, Att. § 1, 6-25-07; Ord. No. 371, 5-11-09)

**Exhibit "A"**

**Sec. 12.5-52. Disclosure of personal interest in voting matters.**

Any official, employee, or appointee with the responsibility to vote or advise on any matter shall disclose during the meeting at which a vote on the matter takes place, before the vote and to be included in the minutes, any personal interest of the official, employee or appointee in the matter to be voted upon. In addition, the official, employee or appointee may recuse himself from discussion or voting on the matter.

(Ord. No. 330, Att. § 2, 6-25-07; Ord. No. 371, 5-11-09)

**Sec. 12.5-55. General standards of conduct for officials, employees, appointees.**

Officials, employees, appointees, their spouses, and children living in their household:

(a) Shall not receive or use for personal purposes any property, services or funds of county government unless authorized by law or county policy. Excepted is the de minimis use of county property;

(b) Shall not:

(1) Lend money to, or borrow money from, an official, employee, appointee, or prohibited source;

(2) Accept any surety, guaranty, or endorsement of any obligation for himself from another official, employee, appointee, or prohibited source; or

(3) Give any surety, guaranty, or endorsement of any obligation for another official, employee, appointee, or prohibited source.

Excepted are loans made between employees for \$2,000.00 or less per calendar year and loans between family members for any amount, provided that neither such loan may be made to, or received from, a prohibited source.

(c) Shall not, for a period of one year after separation from service or employment receive compensation for any services rendered on behalf of any person, business or association in relation to any case, proceeding, or application, with respect to which such former official, employee, or appointee was directly concerned or in which such official, employee, or appointee personally participated during the period of his service or employment or which was under his active consideration or with respect to which knowledge of information was made available to him during the period of his employment. Nothing in this section precludes a former official, employee, or appointee from being engaged directly by the county to provide services to or on behalf of the county during this one-year period.

(d) Notwithstanding any provision in this code of ethics to the contrary, a member of the board of county commissioners may hold full-time employment in a position which may have incidental or occasional contact with the county, if such employment is his primary source of income, and if he discloses his or her interest and otherwise complies with this code of ethics, the county Charter, and state

law regarding conflicts of interest.

(Ord. No. 330, Att. § 1, 6-25-07; Ord. No. 371, 5-11-09)

**Sec. 12.5-56. Acceptance of gifts and other things of value.**

(a) An official, employee, appointee, or his spouse or child living in the same household, shall not accept, directly or indirectly, any gift, money, gratuity, or other consideration or favor of any kind from anyone other than the county for the performance of an act, or refraining from performance of an act, that he would be expected to perform, or refrain from performing, in the regular course of his county duties.

(b) An elected official shall not accept any entertainment, food, refreshments, meals, beverages, health screenings, amenities, or other items with a value in excess of \$200.00 in a calendar year from any one prohibited source. Excepted are meals and entertainment offered as part of events sponsored by public or quasi-public entities, community organizations, or nonprofit charitable or educational organizations.

(c) Notwithstanding any provision in this Code to the contrary, any official, employee or appointee may accept any offer of items described in the previous two paragraphs regardless of value, provided that the same items are offered at the same time to the public generally or to all the board of county commissioners and/or all officials, employees, or appointees in the same class.

(d) Notwithstanding any provision in this Code to the contrary, this code of ethics shall not prohibit gifts to or between officials, employees, and appointees on any occasion on which gifts are traditionally given, exchanged or donated, if such gift is appropriate to the occasion and does not have a market value in excess of \$50.00; or gifts of any value between family members at any time.

(e) Each prohibited source shall disclose, on a quarterly calendar basis in writing to the ethics officer, all gratuities that it has given to officials, employees, and appointees, or their spouse or child living in the same household during the preceding quarter by filing the prohibited source gift disclosure form.

(Ord. No. 330, Att. § 6, 6-25-07; Ord. No. 348, 10-22-07; Ord. No. 371, 5-11-09)

**Sec. 12.5-61. Additional standards for board of county commissioners.**

If a member of the board of county commissioners holds a chairmanship, whether of a committee or of the whole commission, and has been criminally charged or indicted with one or more of the following state or federal offenses:

- (1) Actual or attempted extortion of money or property, real or personal, under color of official right;
- (2) Taking of state or federal program funds or property, real or personal, acquired with state or federal funds; or

(3) Embezzlement, stealing or obtaining by fraud or otherwise unauthorized conversion of any property to the use of any person other than the rightful owner or the intentional misapplication of any property;

then the board of county commissioners shall vote within 45 calendar days of the charge or indictment whether such member shall retain such chairmanship. The charged or indicted member who is the subject of the vote shall not vote in that decision.

(Ord. No. 330, Att. § 1, 6-25-07; Ord. No. 371, 5-11-09)

**Sec. 12.5-62. Forms to be placed on Internet.**

The ethics officer shall place all forms filed in accordance with this code of ethics on the county Internet website [www.shelbycountyttn.gov]. All original forms shall remain in the custody of the ethics officer. The signatures of all county officials, employees and appointees shall be redacted, unless redaction would prevent identification of person filing form, prior to posting on the county Internet website.

(Ord. No. 330, Att. § 1, 6-25-07; Ord. No. 371, 5-11-09)